



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1105

by Rep. Careen M Gordon

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2
820 ILCS 130/3

from Ch. 48, par. 39s-2
from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that workers at a facility dedicated exclusively, or nearly so, to performance of the contract or project and located in such proximity to the actual construction location that it would be reasonable to include them, or that perform work specifically designated for installation on a public works project, shall be deemed to be employed on public works. Provides for coverage of "the transportation of aggregate and excavated materials and equipment operated to haul to or from the site". Provides that workers who are paid a set amount for truck expense and take-home wage and are deemed to be employed on the public works project are entitled to the proper prevailing wage for the equipment being operated, and provides for the determination of the take-home wage. Provides that the transportation by sellers and suppliers or the manufacture of non-aggregate materials or equipment in the execution of a contract for public works with a public body are not deemed to be employment on public works. Makes other changes.

LRB095 04970 WGH 27657 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning labor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Sections 2 and 3 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,
8 mechanics and other workers employed in any public works, as
9 hereinafter defined, by any public body and to anyone under
10 contracts for public works.

11 As used in this Act, unless the context indicates
12 otherwise:

13 "Public works" means all fixed works constructed by any
14 public body, other than work done directly by any public
15 utility company, whether or not done under public supervision
16 or direction, or paid for wholly or in part out of public
17 funds. "Public works" as defined herein includes all projects
18 financed in whole or in part with bonds issued under the
19 Industrial Project Revenue Bond Act (Article 11, Division 74 of
20 the Illinois Municipal Code), the Industrial Building Revenue
21 Bond Act, the Illinois Finance Authority Act, the Illinois
22 Sports Facilities Authority Act, or the Build Illinois Bond
23 Act, and all projects financed in whole or in part with loans

1 or other funds made available pursuant to the Build Illinois
2 Act. "Public works" also includes all projects financed in
3 whole or in part with funds from the Fund for Illinois' Future
4 under Section 6z-47 of the State Finance Act, funds for school
5 construction under Section 5 of the General Obligation Bond
6 Act, funds authorized under Section 3 of the School
7 Construction Bond Act, funds for school infrastructure under
8 Section 6z-45 of the State Finance Act, and funds for
9 transportation purposes under Section 4 of the General
10 Obligation Bond Act. "Public works" also includes all projects
11 financed in whole or in part with funds from the Department of
12 Commerce and Economic Opportunity under the Illinois Renewable
13 Fuels Development Program Act for which there is no project
14 labor agreement. "Public works" also includes all projects at
15 leased facility property used for airport purposes under
16 Section 35 of the Local Government Facility Lease Act.

17 "Construction" means all work on public works involving
18 laborers, workers or mechanics.

19 "Locality" means the county where the physical work upon
20 public works is performed, except (1) that if there is not
21 available in the county a sufficient number of competent
22 skilled laborers, workers and mechanics to construct the public
23 works efficiently and properly, "locality" includes any other
24 county nearest the one in which the work or construction is to
25 be performed and from which such persons may be obtained in
26 sufficient numbers to perform the work and (2) that, with

1 respect to contracts for highway work with the Department of
2 Transportation of this State, "locality" may at the discretion
3 of the Secretary of the Department of Transportation be
4 construed to include two or more adjacent counties from which
5 workers may be accessible for work on such construction.

6 "Public body" means the State or any officer, board or
7 commission of the State or any political subdivision or
8 department thereof, or any institution supported in whole or in
9 part by public funds, and includes every county, city, town,
10 village, township, school district, irrigation, utility,
11 reclamation improvement or other district and every other
12 political subdivision, district or municipality of the state
13 whether such political subdivision, municipality or district
14 operates under a special charter or not.

15 The terms "general prevailing rate of hourly wages",
16 "general prevailing rate of wages" or "prevailing rate of
17 wages" when used in this Act mean the hourly cash wages plus
18 fringe benefits for training and apprenticeship programs
19 approved by the U.S. Department of Labor, Bureau of
20 Apprenticeship and Training, health and welfare, insurance,
21 vacations and pensions paid generally, in the locality in which
22 the work is being performed, to employees engaged in work of a
23 similar character on public works.

24 "Aggregate materials" means rock, gravel, sand, pebbles,
25 dirt, soil, clay, bitumen, cultured/polymer, cement, concrete,
26 asphalt, and like materials.

1 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205,
2 eff. 1-1-04; 94-750, eff. 5-9-06.)

3 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

4 Sec. 3. Not less than the general prevailing rate of hourly
5 wages for work of a similar character on public works in the
6 locality in which the work is performed, and not less than the
7 general prevailing rate of hourly wages for legal holiday and
8 overtime work, shall be paid to all laborers, workers and
9 mechanics employed by or on behalf of any public body engaged
10 in the construction of public works. Only such laborers,
11 workers and mechanics as are directly employed by contractors
12 or subcontractors in actual construction work on the site of
13 the building or construction job, or at a facility dedicated
14 exclusively, or nearly so, to performance of the contract or
15 project and are located in such proximity to the actual
16 construction location that it would be reasonable to include
17 them, or that perform work specifically designated for
18 installation on a public works project, and laborers, workers
19 and mechanics engaged in the transportation of aggregate and
20 excavated materials and equipment operated to haul to or from
21 the site, ~~but not including the transportation by the sellers~~
22 ~~and suppliers or the manufacture or processing of materials or~~
23 ~~equipment, in the execution of any contract or contracts for~~
24 ~~public works with any public body~~ shall be deemed to be
25 employed upon public works.

1 Laborers, workers, and mechanics who are paid a set amount
2 for the truck expense and take-home wage and who are deemed to
3 be employed on the public works project are entitled to the
4 proper prevailing wage for the equipment being operated. The
5 take-home wage shall be determined by deducting the minimum
6 hourly expense rate for the equipment being operated, as most
7 recently determined by the Illinois Department of
8 Transportation in its Schedule of Average Annual Equipment
9 Ownership Expense, or as determined by the Illinois Department
10 of Labor, from the total hourly gross amount representing
11 payment for the truck expense and take-home wage. The truck
12 driver shall be entitled to the difference between the
13 determined take-home wage and the proper prevailing wage for
14 the equipment being operated.

15 The transportation by the sellers and suppliers or the
16 manufacture of non-aggregate materials or equipment in the
17 execution of any contract or contracts for public works with
18 any public body shall not be deemed to be employment upon
19 public works.

20 The wage for a tradesman performing maintenance is
21 equivalent to that of a tradesman engaged in construction.

22 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)